

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/14/2013	(3) CONTACT/PHONE Brian Pedrotti, Planner III / 805-788-2788	
(4) SUBJECT Hearing to consider a request by Dana Adobe Nipomo Amigos to waive the administrative fee for processing of an Environmental Impact Report for a Land Use Ordinance Amendment to change the South County (Inland) Area planning area standards and a Conditional Use Permit for a new museum and visitor's center. District 4			
(5) RECOMMENDED ACTION Adopt the resolution approving the request by Dana Adobe Nipomo Amigos, a non-profit organization, to waive the administrative fee for processing of an Environmental Impact Report for LRP2011-00001 (Land Use Ordinance Amendment) and DRC2011-00042 (Conditional Use Permit) for a new museum and visitor's center, based upon the findings in Exhibit C.			
(6) FUNDING SOURCE(S) General Fund if fee waived	(7) CURRENT YEAR FINANCIAL IMPACT Up to \$38,000	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>30 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> Permit Fee Waiver 2/28/12	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 4			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Planner III

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 5/14/2013

SUBJECT: Hearing to consider a request by Dana Adobe Nipomo Amigos to waive the administrative fee for processing of an Environmental Impact Report for a Land Use Ordinance Amendment to change the South County (Inland) Area planning area standards and a Conditional Use Permit for a new museum and visitor's center. District 4

RECOMMENDATION

Adopt the resolution approving the request by Dana Adobe Nipomo Amigos, a non-profit organization, to waive the administrative fee for processing of an Environmental Impact Report for LRP2011-00001 (Land Use Ordinance Amendment) and DRC2011-00042 (Conditional Use Permit) for a new museum and visitor's center, based upon the findings in Exhibit C.

DISCUSSION

Request

Dana Adobe Nipomo Amigos (DANA), a California Non-Profit Corporation, is applying for a waiver of the administrative fee for processing of an Environmental Impact Report (EIR) for a Land Use Ordinance Amendment (GPA) and Conditional Use Permit (CUP) for a new museum and visitor center. The project is located on the east side of South Oakglen Avenue in the community of Nipomo, in the South County (Inland) planning area. The total site area is 130 acres in size and is in the Recreation and Agriculture land use categories.

According to the approved EIR contract and additional work plan, the administrative fee for the EIR totals 25 percent of the consultant costs, or up to \$38,000. The administrative fee is used to cover Planning and Building Department staff costs related to processing the EIR.

Non-Profit Status

DANA is a non-profit organization dedicated to restoring the historic Dana Adobe home, purchasing the acreage surrounding the Dana Adobe, initiating historical and environmental education programs, and to building a new museum and visitor's center to house the collection of historical objects under DANA's care.

In order for the proposed museum and visitor's center to be developed, the following actions/permits would be required 1) an amendment to the South County (Inland) Area Plan of the Land Use Element to change sections of the Planning Area Standards including Sections 22.112.020.F (Nipomo Area Water Conservation Area), 22.112.030.B (Historic Area, Dana Adobe, and 22.112.80.G (Recreation – Dana Adobe). and 2) a Conditional Use Permit to develop the museum/visitor's center. The facility itself is proposed on 30-acre property owned by DANA, with trails and interpretive displays on the 130-acre property owned by San Luis Obispo County and leased by DANA.

History

The Board of Supervisors approved a waiver for the permit processing fees for the project (Land Use Ordinance Amendment and Conditional Use Permit applications) on February 28, 2012 totaling \$22,609.00. Department of Planning and Building staff had also administratively approved a fee waiver of \$5,000. On August 7, 2012, the Board of Supervisors held a second public hearing for the proposed amendments. At the hearing, the applicant indicated that a resolution had not been reached on cultural resource issues, and requested and received an indefinite continuance to complete an EIR. The proposed fee waiver is for the administrative fee for this EIR.

Justification

The proposed Master Plan for the expansion of the historic Dana Adobe has been anticipated at the site for a number of years. The project site has been identified as a Historic (H) Combining Designation in the County Land Use Ordinance since 1997 and has since that time included an acknowledgement that the site will be expanded in accordance with a Master Plan.

DANA is asking for the fee waiver based upon providing a public benefit to the county. They state that the proposed project would protect scenic and natural resources, provide education about local resources and indigenous people in the form of exhibits and interpretive displays in at least two languages, continue to provide education regarding the historic Dana Adobe, and furnish trails and site interpretation open to the general public on a daily basis. DANA states that the public benefit associated with the project accrue to the community of Nipomo, San Luis Obispo County, and the County's tourist population.

The applicant states that the project will attract local residents, tourists from other counties, and perhaps tourists from other states. Visitors may spend money at the Dana Adobe as well as within San Luis Obispo County. The project will be developed and maintained at no expense to the County, with the help of donations from local businesses and individuals. In addition, the center will be available to the public at large with no access fee, and will create outdoor educational opportunities for all residents in the community.

Staff acknowledges that the use has a public benefit. The proposed museum and visitor's center is intended to be open to the general public for educational and cultural opportunities. This would be a unique park, and the only one of its kind in both San Luis Obispo and many surrounding counties.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has approved the resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

The administrative fees for the Environmental Impact Report total up to \$38,000. The administrative fee is intended to cover the Department and Planning Building staff costs for all project-related tasks, including report review and evaluation, applicant, consultant and agency meetings, Native American consultation, CEQA noticing, public hearing noticing, field visits, and other related work. On the applicant side, the project received a grant from the California State Parks, which may be used to fund the project and the EIR. The Board of Supervisors previously approved a waiver for the permit processing fees for the project (Land Use Ordinance Amendment and Conditional Use Permit applications) on February 28, 2012 totaling \$22,609.

RESULTS

Approving the waiver of administrative fees for the EIR would result in staff processing of an EIR for a General Plan Amendment and Conditional Use Permit for a new museum and visitor's center with no administrative fee for staff time and tasks. Denying the waiver of administrative fees would result in the applicant providing funds to cover staff costs for processing the EIR.

ATTACHMENTS

1. Exhibit A - Vicinity Map
2. Exhibit B - Land Use Category Map
3. Exhibit C – Resolution with Findings